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REPORT

OF A

COMMITTEE

OF THE

MEDICAL SOCIETY OF DELAWARE,

**Assigning Reasons why the Society should surrender
its Charter to the General Assembly.**

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***PUBLISHED BY ORDER OF THE SOCIETY.***  
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Of a Committee of the Medical Society of Delaware, assigning reasons why the Society should surrender its Charter to the General Assembly.

At an adjourned meeting of the Medical Society, held at Smyrna, on Monday, 6th November, 1843, the Committee (appointed at a previous meeting in May, 1843, and consisting of seven members from each county) reported through their chairman *pro tem.*, Dr. Morris, as follows :

The Committee appointed "to consider the expediency of surrendering the Charter of this Society to the General Assembly of the State, and organizing a voluntary association for the promotion of Medical and Surgical Science within the State of Delaware," submit the following Report :

The Medical Society of Delaware was originally founded by a number of eminent practitioners, whose objects did not extend beyond those proper to an association of professional men, aiming merely to extend their knowledge and increase their usefulness. The exercise of a medical censorship over persons aspiring to practice medicine, formed no part of their objects ; and, accordingly, in the original Act of Assembly, under which *the President and Fellows of the Medical Society of Delaware* first assumed a corporate existence, in the year 1789, no further powers were conferred than are usually granted to scientific associations, aiming solely at scientific purposes.

It was not until after thirty years of a purely professional existence, that the Medical Society assumed a new character, at the wish of the good people of the State, as expressed by the General Assembly ; which, by several acts, supplements, and amendments, of the dates respectively of January 29, 1819 ; January 13, 1820 ; January 10, 1821 ; February 4, 1822 ; and January 29, 1835,—conferred upon the Society the power of interdicting the practice of medicine within the State to incompetent persons, by imposing a penalty of Fifty Dollars upon any one practising without the license of the Society, and by

permitting licenses to be granted only to such persons as produced diplomas conferred by "some reputable College of Medicine," or who, otherwise, submitted to a "full, strict, and impartial examination" by the Board of Examiners, in proof of their medical acquirements. And the acts also imposed a license-fee of Ten Dollars, to be paid, and appropriated to the uses of the Society.

The object of the General Assembly in conferring this power on the Medical Society, as appears from the preamble to the act of 1819, was—not to promote the interests of the Medical Profession,—but, avowedly, to protect the people of the State from the evils of empiricism ; an object which could in no way be better effected than by compelling persons desirous of practising medicine, to submit their pretensions and approve their qualifications before a board of professional examiners best fitted to decide upon them.

With the power, thus conferred upon it, the Medical Society assumed a very great responsibility, becoming, at least in the moral view, answerable for any evils of ignorance and incompetency which might occur in the medical practice of the State. But this responsibility the Society has never sought to avoid ; and it refers with confidence to the period of twenty years, from 1819 to 1839, during which the power of censorship really lasted, as an era in which the Medical Society introduced to the people of Delaware accomplished and skilful physicians, and protected them from many of the evils of empiricism.

It is true, that as early as January 29, 1835, a blow was struck at the Society, which somewhat impaired its power of usefulness ; for, by a singular Supplementary Act then passed, it was made lawful for any person to practise medicine without license, and to receive "any fee or reward therefor, *which might be voluntarily, freely, and gratuitously tendered or given*" to him ; but, as it expressly provided that no such person should have "the right to demand or sue for pay," the restriction rendered very nearly inoperative a law which, otherwise, would have deprived the Society of all power.

In the year 1839, the General Assembly, by an Act of amendment to the before mentioned Supplementary Act, expressly repealed the law prohibiting persons practising medicine for pay without license, so far as related to "persons practising on the *Thompsonian* or *Bo-*

tanic System exclusively ;” and such persons are, by special provision in the act, authorized “to sue for and recover fees.” By a further Act, entitled *An Act for the relief of Homœopathic Physicians*,” passed January 27, 1843, the same exemption from taking out a license, and the same authority to sue for and recover fees, are accorded to “practitioners on the Homœopathic system exclusively.”

By these two Acts, it is undeniable that the General Assembly of Delaware have revoked, in every essential feature, the power of the Medical Society to protect the people of the State from the evils of empiricism. It continues the censorship ; but it excludes from censure two classes by far the most numerous of empirical practitioners in the United States ; and while, by these special acts of partiality, it elevates the two classes into a particular dignity, because into an exemption from laws which apply to regular physicians, and to all the petty classes of empirics who have not yet found favour with the General Assembly, it leaves the Medical Society the appearance of a power, which it does not possess, along with the substance of a responsibility, which, in the judgment of your Committee, the people of Delaware will generally believe to attach to the Society, so long as it continues its corporate existence.

Nor is this the only evil resulting from the acts of 1839 and 1843. The laws of incorporation, so far as they are in force, compel licenses to be taken out and paid for by all persons aspiring to practise medicine, *except* those practising exclusively as Thompsonians or Homœopathists. The Legislature has, therefore, imposed pains and penalties, operating as a direct discouragement, on regular medical men ; while it has set a bounty on empiricism. After years of painful study in acquiring knowledge which a hundred generations of the wisest men have slowly contributed to the general stock of Medicine, and which, hitherto, has been deemed a necessary acquisition to every Medical man, the young Physician, in Delaware, finds himself questioned, and taxed, and licensed, before the laws allow him to enter upon his high calling ; while, on the contrary, the most ignorant person, if he but call himself a Thompsonian or Homœopathist, meets with no impediment, pays no tax, is subjected to no question, but commences his occupation, proud of his immunity, and of the ignorance which the General Assembly of Delaware has distinguished as better than the knowledge of the educated physician.

It may be lamented that a Legislature of Delaware should appear in an attitude of hostility to the cause of science and education, and capable of casting, as, by these acts, it has deliberately done, a slur upon the profession of Medicine; a profession filled with respectable men, who seek knowledge as the indispensable basis of efficiency, and aim, as individuals and associations, at the public good with a devoted zeal which has always secured them the esteem and gratitude of enlightened communities. In other respects, the acts of 1839 and 1843 are not perhaps to be regretted; and your committee do not regard them as surprising,—since they are in conformity with the spirit of the age, of which a leading characteristic is a great reverence for education, in theory and profession, coupled with a real practical disregard of its highest interests and advantages. In fact, it is an age in which ignorance enters into direct competition with learning and wisdom; and its rapacious eagerness to achieve the emoluments, if not the honors, of education, without the pains of acquisition, is encouraged by the facility with which the multitude allow its claim, and the readiness with which grave legislators remove, one after another, the legal barriers interposed by their fathers in the way of its unworthy ambition. This agrarian spirit, for agrarian it is, aims particularly at the learned professions: In at least one State of this Union, we have seen the practice of the Law thrown open to all persons, without distinction, and the Courts converted into arenas, in which men destitute of any legal knowledge may, if they think fit, contend with profound jurists. Medicine has suffered still more: in nearly every State, legal disabilities have been abolished; the most grossly incompetent persons are admitted to the performance of offices in which the responsibilities are of life and death; and there are not wanting numerous individuals, even among the intelligent classes, to whom such Medical adventurers, and their panaceal nostrums, are more acceptable than the counsels of the best educated Physicians.

• Such a spirit is not to be contended against by any force of reason; and Medical practitioners consult their best interests and the dignity of the profession, by leaving it unopposed. The natural right of men to prefer charlatanism, and even to die by it, cannot be questioned; and where the inclination is prevalent, the only course left to physicians is, by the quiet, and conscientious, and, above all, by the success-

ful performance of their own professional duties, to convince society of the superior merits of skill and knowledge.

The present conjuncture appears to your Committee one in which there is a peculiar call for adopting this dignified course of action, and of surrendering into the hands of the General Assembly the charter of the Medical Society ; which, shorn of its usefulness as a public institution, now exists only as the representative of the interests of the Medical Profession. The legislature, as we have seen, has left the Society a shadow of power ; but it is a power which exists only to deprive Medical men of privileges accorded to Thompsonians and Homœopathists. By the surrender of its charter the Medical Society secures at least equal privileges to the educated Physician ; and it restores to the public their natural right (the withholding of which is now useless and invidious) of patronizing new and unprivileged classes of empirics, without the necessity of further appeals to the liberality of the Legislature. No advantages have ever inured, or were expected to inure, from the charter of the Medical Society to the Medical profession, which could not be expected from a private, unincorporated association of Physicians ; and by the voluntary relinquishment of the little power still remaining to it, the Medical Society may afford the public a proof, that the greater power, so long enjoyed by the Society, was not accepted nor exercised from any motives of professional interest, nor for any other purpose than that proposed by the General Assembly in granting it,—namely, the protection of the people of the State from the evils of empiricism.

For these, and for various other reasons which are sufficiently obvious, your Committee are of the opinion, and they beg leave to report accordingly—That it is expedient to surrender the charter of this Society to the General Assembly of the State ; and furthermore, That it is expedient, because it will be highly advantageous, to organize a voluntary association for the promotion of Medical and Surgical Science within the State of Delaware.

The above Report was unanimously accepted and ordered to be printed. But, in consequence of the sickness in Sussex County pre-

venting the attendance of the members residing in that County, it was, upon motion, resolved to defer the final action recommended by the Committee,—to wit: the surrender of the Charter and the organization of a voluntary association,—until the meeting of the Society, which it is desired should be a full one, called for the second Tuesday of May next, in Dover.

A true extract from the proceedings.

JAMES COUPER, M. D., President.

Attest, WM. CUMMINS, M. D., Secretary.

References to Laws relating to the Medical Society of Delaware.

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| 1. Act of Jan. 29, 1819— | see Del. Laws, vol. 5, page 380, chapter 211. |
| 2. Act of Jan. 13, 1820— | do vol. 6. page 27, chapter 27. |
| 3. Act of Jan. 10, 1821— | do vol. 6, page 31, chapter 28. |
| 4. Act of 1822— | do vol. 6, page 246, chapter 152. |
| 5. Act of Feb. 4, 1822— | do vol. 6, page 185, chapter 116. |
| 6. Act of Jan. 29, 1835— | do vol. 8, page 316, chapter 319. |
| 7. Act of Feb. 11, 1839— | do vol. 9, page 236, chapter 194. |
| 8. Act of Jan. 27, 1843— | do vol. 9, page 549, chapter 496. |

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